

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ISABEL JAMES)	
)	
Plaintiff,)	
)	
v.)	No.:
)	
PEPSICO, INC.; PEPSICO AMERICAS)	Judge
BEVERAGES; BOTTLING GROUP,)	
LLC., d/b/a PEPSI BEVERAGES)	
COMPANY)	
)	
Defendants.)	Trial by Jury Demanded

COMPLAINT AT LAW

NOW COMES the Plaintiff, ISABEL JAMES, by and through her attorney, James T. Foley and the FOLEY LAW GROUP, LLC., and complaining of the Defendants, PEPSICO INC.; PEPSICO AMERICAS BEVERAGES; BOTTLING GROUP, LLC., d/b/a PEPSI BEVERAGES COMPANY (hereinafter PBC) states as follows:

PARTIES

1. The Plaintiff, ISABEL JAMES, is and was on January 12, 2016, and at all pertinent times, a resident of the City of Chicago, County of Cook and State of Illinois.
2. Defendant, PBC is a Delaware Corporation doing business in Chicago, County of Cook, State of Illinois, and in the entire United States of America
3. Plaintiff, ISABEL JAMES was employed by Defendant PBC from April 07, 1997 to January 12, 2016 as a Sales Coordinator, Defendant's Chicago facility located at 1400 West 35th Street, Chicago, IL 60609.

JURISDICTION

4. Jurisdiction of this court is invoked under the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 e [2] et.seq.

5. Venue is proper in this District pursuant to 28 U.S.C Section 1391 (b) and (c).

6. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.

FACTS AND ADIMINISTRATIVE PROCEDURES

7. Plaintiff, ISABEL JAMES began her employment with Defendant PBC in 1997 at Chicago, Illinois and he remained in that position to until she was terminated January 12, 2016.

8. Plaintiff filed a charge of Employment Discrimination against Defendant PBC on January 14, 2016, alleging she was discriminated against because of her national origin, Hispanic.

9. Plaintiff was discriminated against by Defendant PBC based upon her National Origin, Title VII, the Civil Rights Act of 1964 as amended.

10. Plaintiff ISABEL JAMES began her employment with Defendant PBC on April 07, 1997 based in Chicago, Illinois and she remained employed until she was terminated on January 12, 2016.

11. Plaintiff filed a charge of Employment Discrimination against her employer, PBC Inc. on January 14, 2017 because she was discriminated against due to her national origin, Hispanic.

12. Right-To-Sue letter was issued from the Equal Employment Opportunity Commission on February 27, 2017 on the grounds that the EEOC was unable to conclude that the information obtained established violations of the statutes. Said Notices of Right-To-Sue were received by the Plaintiff on or about March 03, 2017. Copies of the Right-To-Sue letters, EEOC Charge Number 440-2016-01645 is attached hereto and incorporated herein and attached as Exhibit A.

13. This suit has been timely filed within ninety (90) days of Plaintiff's receipt of the Right-To-Sue letters.

14. At any and all times relevant hereto, Plaintiff has been employed and has performed work for Defendant PBC as a Sales Coordinator, and has done so for over 19 years.

15. As set forth in Plaintiff's claims with the EEOC, Plaintiff has been discriminated against by Defendant PBC.

16. Plaintiff was discriminated against by Defendant PBC based upon her National Origin, Title VII, the Civil Rights Act of 1964, as amended.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, ISABEL JAMES asks this Court:

A. To enter judgment, upon the verdict of a jury, in her favor and against Defendant PEPSI BEVERAGES, CO.; PEPSICO, INC.; BOTTLING GROUP, LLC.

d/b/a PEPSI BEVERAGES COMPANY, in the amount allowed by statute, for compensatory and punitive damages;

B. For equitable relief, as may be appropriate to effectuate the purposes of the Act;

C. For attorney's fees and costs of this suit, including expert witness fees, pursuant to Title 42 U.S.C. Section 2000 e-5(k), incorporated into Section 107 of the Act.

Respectfully submitted,

ISABEL JAMES

By: s/James T. Foley
Attorney for Plaintiff

James T. Foley
FOLEY LAW GROUP, LLC.
580 Oakmont Lane
Westmont, Illinois 60559
(630) 908-3508
(630) 908-3509 Fax
jfoley@foleylawgroup.com

EXHIBIT

A

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Isabel James**
2703 Cass St
Lake Station, IN 46405

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2016-01645

Eva Baran,
Investigator

(312) 869-8023

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman
Julianne Bowman,
District Director

2-27-17

(Date Mailed)

Enclosures(s)

cc:

Matthew R. Peyton
PEPSICO, INC.
7701 Legacy Drive, MD 3A-363
Plano, TX 75024